

Storm Lake Public Hearing
December 17, 2008

Tom Underwood: The City of Lake Park opposes the antidegradation regulations, because the city is already faced with too many rules and regulations that increase the cost of providing water and wastewater services to our citizens. The only way our city can pass on increase cost and regulation is to pass on higher rate fees to our citizens. Increasing expense to our citizens when the city is facing budget cuts and increased unemployment and trying to do this in an economic downturn we feel is not approvable. Thank you.

Ryan Carlson: I would like to start by thanking the DNR for your work on environmental protection and the process of developing the proposed antidegradation policy. My name is Ryan Carlson, I'm an environmental engineer from Martin Marietta Materials, we operate many limestone quarries and sandpits throughout the state of Iowa. Aside from working for Martin Marietta, I'm a resident of the State, I have young children who have grown up here, I agree with the need for clean water, I enjoy taking advantage of the recreational aspects that our lakes and rivers have to offer. But I do not think that limestone pits dewatering when managed correctly is degrading the current level of water found in our lakes, streams and rivers. As Adam kind of stated, our pit dewatering practice does not introduce any pollutants that are not already present in our ground or surface water, in fact limestone quarries or pits actually act as a filter for non-point source pollution, much like a wetland. Now pollutants find their way into our pits through surface stormwater runoff or groundwater infiltration. Once in our pits, the pollutants are left to settle to the bottom or become naturally attenuated. Then when our limestone reserves need to be accessed, the water is pumped out to the receiving water body with significantly less pollutants than would have entered the receiving water body had the quarry not been there. Implementation of this antidegradation policy as is currently written could potentially shut down an existing quarry that needs to expand its discharge of pit dewatering or as existing quarries exhaust their reserves, replacement quarries could be prevented from being developed. This threat exists because if mass loading is part of the rule then we would not be allowed to discharge one molecule of nitrogen even if the level is well below both water quality standard and the current ambient concentration of the receiving water body. Even if the one molecule of nitrogen was accompanied by say a million gallons of water, therefore creating a benefit to the receiving water body. On the other side of the coin these impacts to existing quarry operations and future operations would be felt not only by me, the company I work for and the entire aggregates industry in Iowa, but also by the taxpayers in the state. One example, in an effort to develop an alternative of the fossil fuel burning norm, Iowa is the national leader in renewable energy, our state is currently the third largest producer of wind energy in the US just behind California and Texas. In order to provide a base for the wind farms that you see across the landscape now as well as those that have yet to be constructed, it's not uncommon for four hundred thousand tons of crushed rock to be needed for the access roads and turbine bases. A large components of these windfarm projects is the cost of transporting the rock from the quarry to the windfarm site. If a particular quarry is not able to operate due to restrictions based on the antidegradation policy, the material must be hauled from a hundred miles away rather than fifty, each ton will cost an additional seven dollars and fifty cents, that's for a project requiring four hundred thousand tons that adds up to three million dollars. Significant secondary impacts would include higher highway repair costs due to longer distances required to haul the rock as

well as more pollutants that would be introduced in the atmosphere due to the result of more diesel fuel being burned from more trucks traveling longer distances. In addition to windfarms, the Obama administration has indicated their intention to revive the economy and create through a large scale public works program that will include upgrading roads, schools and energy efficiency. The administration has indicated that this program will be the single largest new investment on national infrastructure since the creation of the federal highway system in the 1950's. And that state officials would lose any allocated federal dollars if they did not quickly use the money to repair bridges and highways. Material produced from our activities is a critical component to bridge and highway building and the inclusion of limestone quarries in this antidegradation policy could provide obstacles to the pending public works program. I feel it's important to keep in mind that projects requiring processed limestone at a higher cost to the taxpayers as a result of the inclusion of the aggregates industry and the antidegradation policy are not limited to windfarms and highways and bridges, but also potentially exist for construction projects such as building a new school or a new hospital, building a new house, replacing an old sewer or surface of any county road. I ask that in developing the antidegradation policy that the concerns and examples that I discussed are taken into account and that consideration be given to the idea that limestone quarry pit dewatering is responsible not for the degradation of Iowa water but for the dilution of existing polluted waters thereby creating a benefit to the resource and that the impact of including the aggregates industry in the policy will negatively affect not only the limestone creating companies but also potentially the general public. Thanks for your time and attention.

Joe Pille: First off my name is Joe Pille, I'm for OMG Midwest, I'm the environmental coordinator for OMG Midwest, we have a number of quarries and gravel pits throughout western and southeastern Iowa. First off I would like to basically div what Ryan Carlson has presented and make a few other short comments. Basically aggregate production we have to go where the source is. We can't just go out in the boonies somewhere and get away from everything, we have to go where the quality and quantity of the product is to provide to our customers. In some cases we're dealing with groundwater that we have no idea necessarily what is in the groundwater, it's just there. Ryan touched on this and if we're limited because of how TMDL requirements coincide or mesh with these antidegradation requirements, that could be a pretty tough standard in some cases. We a lot of times we're not sure what is in our groundwater, simply because we don't test it, it's not something that we've actually polluted ourselves, we just happen to be a receptor of it. The other concern I have is the ease at which a water body could be upgraded from a Tier 1 or a Tier 2 to a Tier 2.5 or even a Tier 3. It only takes apparently one vote of the eight listed criteria. I guess I would like to see that section looked over a little better and maybe make some adjustments to that section. But theoretically one other criteria could dictate that a particular water body is moved up from a Tier 2 to a Tier 2.5. One of those criteria is perennial and free flowing, that covers 99% of the streams and rivers in Iowa. Another is I believe use by threatened or endangered species. We had a number of our quarries and pits that are by bald eagles, we had areas that we suspect there's perhaps Indiana Bats in residence close by, those would be another species of concern. So it's possible that someone might try and nominate one of our quarries or pits, what happens then? Where do we from there? That leaves a big question mark. Of course then there's the added cost to us, and I shouldn't say us, I should say the added cost to our customers, anytime it costs us more to produce our product that's going to get attached on to our customers. Most of our customers are federal, state or county road and

systems. So this is something that needs to be considered also. I'm also somewhat concerned with the initial grading or classification of the forty-five water bodies that were upped to Tier 2.5. As I understand it, originally they were slated as Tier 2, by putting them in a Tier 2.5 while I don't necessarily disagree that they might belong there, I think a process has been sidestepped. And if they are a true Tier 2.5, pass the rules without them as Tier 2.5 and look at those specific water bodies over to see if they still qualify as a Tier 2.5. If they pass muster and they do meet the criteria, so be it, but rather than just taking information from 1983 when they were first classified as high quality, I mean geeze what's changed since then? Has anything changed since then? Let's take a look, let's make it a regular process applied equally to all of our water bodies. Another comment that I think was important that has already actually been made in questions is this sounds like reverse subjective procedure and in some instances subjective procedures can go awry, they can completely avoid what the purpose is and they can be sidestepped by some folks. And I think if there's an agenda there, sometimes it's a problem. The last comment I'd like to make is that in the proposed rule changes there's a reference to incorporating, there's a statement about incorporating by reference the Iowa Antidegradation Implementation procedure. Now as I understand rulemaking, this document doesn't have to go through all the procedures that a standard set of rules would in order to be changed. This document could be changed at any point. I think it wouldn't have to go through public hearing, it wouldn't have to go through the regular process, this is a Department document. So by referencing this document, this document could be changed at any point. I think that concerns me, with that I'm going to give the floor to somebody else. Thank you for the time.

Steve Anderson: I want to thank the Department for its continued work, to implement the Clean Water Act from 1972. This work has been continued with the antidegradation policy the DNR has performed this year, I believe the antidegradation rule should stand as written. If we as Iowans were only to protect the current water quality in our water, streams and lakes then these rules need to be kept as written, fully implemented and fully enforced. Growing up and to this day, I fully enjoy many of Iowa's waterways. My first home is where I grew up in the Des Moines river, the mud and school creeks, I used that for swimming, fishing, tubing and all the other things kids do in Iowa's waterways. My second home was at my grandparents' place on Big Spirit Lake, this allowed me the same enjoyments of all the rivers and stream activities but in different ways. I currently live on Milford Creek in Dickinson County, Milford Creek is the outlet for the Iowa Great Lakes and as well the discharge waters for the Iowa Great Lakes Sanitary District. I currently enjoy this creek with fishing and kayaking, wading and watching the wildlife in the creek. I want to know that the creek is going to stay clear and clean and stay at the existing levels that it is and potentially get better throughout the years. As my one year old son is growing up I want him to be able to be afforded the same adventures that I had in Iowa's water on Milford Creek. By passing these rules, the Iowa Department of Natural Resources is protecting my son's rights to enjoy Iowa's waterways as clean and as they are now as I did as a child. Many people are stating negative opinions about what these rules will do to Iowa's small towns and economy, I would have to say that the antidegradation rules are there to help the communities down the road so that they won't have to pay more for treating their drinking water, they won't have to put limits on fish consumptions and won't have to lose economic income due to reduction of water quality of nearby streams and rivers due to upstream discharges. Iowa communities are fed up with lack of a voice on what is going on upstream from them that has impacted their local waterways. This was seen recently in the City of Estherville when a ethanol

plant was going in the city of Superior that was discharging to Des Moines River north of Estherville. The discharge was almost seven miles away from the ethanol plant was giving an economic boost to the city of Superior and had the potential to create an economic hardship on the city of Estherville. With antidegradation in place the residents of Estherville would have had a chance up front to make a comment about what are the studies, what are the impacts, and is it going to impact the economy of Estherville, specifically to their new water trail system that they just developed along the Des Moines River. The organizations that feel that these rules are bad for Iowans forget that Iowans want clean water. I've read survey after survey that shows water quality is a top concern for Iowans and now the state is putting in rules that will prohibit water quality from getting any worse and may improve in some areas. To ask our elected officials to require that we look at alternatives for minimum cost that will protect our water quality is along the request of its constituents. We will find in some situations that these alternatives may actually cost equal or less than doing the same old thing. On top of that this is a federal requirement that is going to be happening throughout the nation. There is one last concern that I have with this, with the Tier system, EPA requires that there is only three Tiers to the antidegradation rules but I would support the Iowa support with the four Tiers. Without this approach, many of Iowa's waters that need special protection won't get it. In a real case scenario, West Okoboji was actually listed by the Iowa Department of Natural Resources in the drafts as an outstanding national water resource for the uniqueness the world renowned research and best water quality of a natural lake in the state of Iowa, it's easy to understand why that Iowa DNR gave West Okoboji this designation. During a stakeholder's meetings West Okoboji was dropped down to an Outstanding Iowa Waters, still giving it strong protection but not as much as the higher Tier. This was due to some groups believing that Iowa doesn't have great water quality in its waterways. With Outstanding Iowa Waters Designation Tier 2.5 rules away West Okoboji will be afforded the same public protection as some of the most basic waterways in the state of Iowa. That would be the same for Big Spirit Lake, East Okoboji and it's possible some lakes such as Storm Lake and Clear Lake among others. Without this four tier system, we are giving full protection or limited protection, there needs to be something in between. Finally as I stated, I am in full support of the antidegradation rules as written, these rules are needed to be put into place to prevent Iowa's water quality from degrading further. I don't believe that we are going to destroy small towns by asking them to look at doing alternatives when this may actually help them in the long run. Actually when we give the residents of Iowa's large and small towns what they want it's clean protected waterways. I fully believe the four tiered system for designation is the only way that we can go to properly protect all the waterways in Iowa and by passing and implementing and fully enforcing these rules I can see that Iowa's water quality will not only be protected but will improve and will be better for the Iowa economy in the long run.